

**BROWN & JONES REPORTING, INC.**

IN THE UNITED STATES DISTRICT COURT FOR THE  
MIDDLE DISTRICT OF PENNSYLVANIA

CYNTHIA ANNE DIVEGLIA formerly CYNTHIA ANNE KAYLOR,

Plaintiff,

-vs-

Case No. 1-CV-00-1342

NORTHWESTERN MUTUAL LIFE INSURANCE COMPANY,

Defendant.

Video Examination of SUZANNE BALISTRERI,  
taken at the instance of the Plaintiff, under and  
pursuant to the Federal Rules of Civil Procedure,  
pursuant to Notice, before JANE M. JONES, a Certified  
Realtime Reporter, Registered Merit Reporter and Notary  
Public in and for the State of Wisconsin, at Brown &  
Jones Reporting, Inc., 312 East Wisconsin Avenue,  
Milwaukee, Wisconsin, on the 24th day of April, 2001,  
commencing at 10:21 a.m. and concluding at 11:47 a.m.

1 A Yes, I could.

2 Q But you didn't, right?

3 A That's correct.

4 Q Now, when you say he's speculative, may I assume  
5 that you have a degree in oncology?

6 A No.

7 Q How do you know he was speculative?

8 A This was not the first time we had gotten that  
9 statement nor tried to clarify that statement.

10 Q Absolutely, it wasn't the first time. You got this  
11 statement repeatedly over a two-year period, didn't  
12 you?

13 A Correct.

14 Q From the time that Cynthia returned to the law  
15 office in an administrative capacity, nontrial  
16 lawyer capacity, this has been the consistent  
17 statement of both Dr. Borgen and Dr. Seidman, isn't  
18 that correct?

19 MR. HENEFER: Objection to the form. You  
20 can answer.

21 THE WITNESS: That is correct.

22 BY MR. DIVEGLIA:

23 Q And you said that he was engaging in speculation.  
24 Now, my question is, how do you know that this was  
25 speculation that stress reduction would enhance her

1 long-term remission? What facts, what information  
2 do you have that stress reduction would not enhance  
3 her long-term remission?

4 A We've not been given any scientific studies, we've  
5 not been given any written documentation to confirm  
6 that.

7 Q But you have the opinion of two doctors from  
8 Sloan Kettering, do you not?

9 A Yes, I do.

10 Q Don't you think it's unreasonable, when you have --  
11 let me rephrase the question. You're aware that  
12 Sloan Kettering is considered the No. 1 cancer  
13 research medical center in the United States?

14 A Yes, I am.

15 Q And you're aware that not only is it the No. 1  
16 research center in the United States, but in the  
17 entire world? People from Saudi Arabia, kings and  
18 queens come here for treatment. You're aware of  
19 that, aren't you?

20 A I'm aware it's well-renowned.

21 Q And so you take it upon yourself to doubt the  
22 opinions and require more of physicians who work in  
23 such an environment, is that what you're saying?

24 A This would have been required of any physician.  
25 This issue would come up.

1 A Yes.

2 Q Okay. And that is -- would you take the next  
3 couple of moments and look through your log and  
4 tell me whether you ever logged that, okay?

5 A Sure.

6 VIDEOGRAPHER: We're off the record at  
7 11:18 a.m.

8 THE WITNESS: I think I need a break.

9 (Short recess.)

10 VIDEOGRAPHER: We're back on the record  
11 at 11:25 a.m.

12 BY MR. DIVEGLIA:

13 Q Your answer to my prior question as to whether or  
14 not you ever logged, if you asked for specific  
15 data, is what?

16 A I don't believe that's logged. I asked for a  
17 medical referral to assist me with understanding  
18 the medical issues on this claim.

19 Q And am I correct that you never asked for any basis  
20 for their -- let me ask you this. Maybe I'm  
21 overreaching myself. Did either Dr. Powell or Pat  
22 Sheehan ever say to you that the opinions of Drs.  
23 Borgen and Seidman that trial work would be a major  
24 stress factor, therefore, she shouldn't do it, to  
25 have long-term remission, did they ever say to you

-S  
-H

1                   that that position of those two doctors was  
2                   contradicted by medical literature, medical  
3                   studies?

4                   A    No.

5                   Q    So if -- they didn't say that to you, you have no  
6                   literature or documents that indicate that, you  
7                   don't have anything to the contrary of their  
8                   position, do you?

9                   A    I have nothing to support their position.

10                  Q    No, no. My question is this. They said their  
11                  position. Before you get to that point, did you  
12                  have anything that would contradict their position?

13                  MR. HENEFER: Whose position?

14                  BY MR. DIVEGLIA:

15                  Q    Drs. Borgen and Seidman?

16                  A    Yes, I did.

17                  Q    What was it that you had that contradicted their  
18                  position?

19                  A    The opinion of our medical staff.

20                  Q    I thought we just went through that. What was the  
21                  opinion of the medical staff?

22                  A    I would have to look at the referral, but that  
23                  there was not documentation that stress would  
24                  enhance the likelihood of a recurrence.

25                  Q    Now, because you didn't have any documents of your